IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.15747 of 2004

Between:

G. Rajesh, S/o. Late Sri G. Shankar Rao, Hindu,
R/o.H.No. 15-2-565, Maharajgunj, Gowliguda Chaman,
Hyderabad.

..... PETITIONER

AND

1 The Collector, Hyderabad District,

Nampally Station Road, Hyderabad.
2 The Joint Collector, Hyderabad District,

Nampally Station Road, Hyderabad.

3 The Mandal Revenue Officer,

Asifnagar Mandal, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondents in not issuing the No Objection Certificate in respect of the property bearing M.No. 13-3-1107/49, admeasuring 300 Sq. Yds. Situated at Jiaguda, Kulsumpura Village, Hyderabad for obtaining permission from the MCH for construction of dwelling house, as arbitrary, unreasonable unlawful and unconstitutional being in violation of the right to property

of the petitioner under Article 14 and 300-A of the constitution of India.

Counsel for the Petitioner: MR.R.A.ACHUTHANAND

Counsel for the Respondents: The Assistant Government Pleader for Revenue (General) representing GP FOR REVENUE

The Court made the following:

ORDER:

The writ petition is filed praying this Court to issue a writ of mandamus declaring the action of the respondents in not issuing the 'No Objection Certificate' in respect of the property for construction of dwelling house as illegal and arbitrary.

The petitioner claims to be absolute owner of the property bearing Municipal No.13-3-1107/49, admeasuring 300 Sq. yards situated at Jiaguda of Kulsumpura village in Hyderabad. He claims to have purchased the property from Mir Mustafa Hussain under a registered Sale deed dated 09.1.2003. The property was allegedly assessed to property tax by Municipal Corporation of Hyderabad and petitioner paid the same. The property was also assessed under A.P. Non-agricultural Land Assessment Act. The petitioner made a representation on 20.5.2003 to the Mandal Revenue Officer requesting for issuance of 'No Objection Certificate'. The Mandal Revenue Officer enabled the petitioner for obtaining permission from the Municipal Corporation of Hyderabad for construction of a dwelling house. The petitioner also submitted several representations, in vain, and therefore, he filed the present writ petition.

At the stage of admission, the learned Assistant Government Pleader for Revenue (General), after obtaining instructions, submits that after considering the applications of the petitioner on 12.5.2003, the first respondent issued a memo bearing No.F1/3454/03 dated 17.7.2003 requesting the petitioner to submit copies of link documents with reference to the Town Survey Land Register for taking necessary action in the matter. The petitioner sent a letter dated 26.8.2003 duly annexing copies of mutation statement and link document of Abdul Karim stating that the petitioner's link document is not available. The learned Assistant Government Pleader also submits that the matter is under enquiry and appropriate orders will be passed after conducting enquiry.

After hearing the learned Counsel for the petitioner and learned Assistant Government Pleader, this Court is of the considered opinion that to meet ends of justice, a direction be issued to the respondents to complete the enquiry into the question after issuing 'No Objection Certificate' to the petitioner within a period of three weeks from the date of receipt of a copy of this order and pass appropriate orders in the matter.

The writ petition, with the above observations and directions, is disposed of.

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September 2, 2004. (**V.V.S. RAO, J**)

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Collector, Hyderabad District, Nampally Station Road, Hyderabad.
2 The Joint Collector, Hyderabad District, Nampally Station Road,

Hyderabad.

3 The Mandal Revenue Officer, Asifnagar Mandal, Hyderabd.

4 Two CCs to the Government Pleader for Revenue,

High Court of Andhra Pradesh, Hyderabad (O.U.T)

5 Two CD copies.